



FACULTY/COLLEGE	College of Business and Economics
SCHOOL	Johannesburg Business School
DEPARTMENT	Industrial Psychology and People Management
CAMPUS(ES)	SWC & APB
MODULE NAME	Employment Relations 1B
MODULE CODE	BIRIIBI/EMRO1B1
SEMESTER	Second
ASSESSMENT OPPORTUNITY, MONTH AND YEAR	SAO – Summative Assessment Opportunity November 2019

ASSESSMENT DATE	12 November 2019	SESSION	
ASSESSOR(S)	Dr C Mabaso		
MODERATOR(S)	Mr W De Beer		
DURATION	2 Hour	TOTAL MARKS	100

NUMBER OF PAGES OF QUESTION PAPER (Including cover page)	5
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INFORMATION/INSTRUCTIONS:

- All questions are compulsory except 8 and 9
 - Question papers must be handed in.
 - This is a closed book assessment.
 - Read the questions carefully and answer only what is asked.
 - Please take note of the **allocation of marks**
 - Number your answers clearly.
 - Write neatly and legibly.
 - Structure your answers by using appropriate headings and sub-headings.
 - The general University of Johannesburg policies, procedures and rules pertaining to written assessments apply to this assessment.
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QUESTION 1

[19 MARKS]

Carefully read the case studies below and answer all the questions.

- 1.1 An employee has been working for the company as a driver for the past 10 years. He has always been considered a good driver and a reliable worker. Over the past three months, however, he has caused two accidents and has received three summonses for traffic violations. Upon the investigation, management have discovered that the driver's eyesight has deteriorated to such an extent that he cannot see further than 15cm ahead of him. The company decided to dismiss him unfortunately.
- 1.1.1 Explain the dismissal prevalent in the case study. Substantiate your answer. **[5]**
- 1.2 Levin has just been dismissed. The allegations on which his dismissal was based on sleeping on duty on several occasions. He is upset. In his opinion, the presiding officer on the hearing should have taken into account that he is on medication and that despite the "rest" periods, his work is always up to date. He wanted to bring witness to testify to his medical condition and his work performance, but was not allowed to do so. There is no union in his company. He has been employed by the company for the past 15 years and has a clean disciplinary record. He wants to take the matter further.
- 1.2.1 What type of dismissal is prevalent in the case study? Substantiate your answer. **[4]**
- 1.2.2 Explain whether Levin reason for dismissal is fair. **[2]**
- 1.3 During the course of a protected strike some employees who were taking part in the strike action vandalise company property. A shop steward also issues a press statement in which he accuses the management of the company of misusing the employees' pension fund contributions. Due to the current strike the company loose a lucrative contract to their rivals. The management seek advice from you as the Labour Relations Expert on the following matters:
- 1.3.1 What type of dismissal is prevalent in the case study? Substantiate your answer. **[4]**
- 1.3.2 Dismissing without a hearing those employees who damaged company property (these employees are easily identifiable from a CCTV footage during the strike). **[4]**

QUESTION 2**[14 MARKS]**

Naren has a challenge, he is the Secretary General for Steel and Allied Workers Union, which has recently been formed to represent workers in the Steel industry. His ability to build a membership of the union is evident since the union has already recruited 450 members, all of whom work for Stetson Steel Structures. Stetson Steel Structures is the largest producer of steel structures and employs 1 350 workers. Naren wants the company to grant his union organizational rights. The company has already granted organizational rights to Metal Workers Union which represent 677 employees in the organisation. MWU has seen a decline in their membership since the formation of SAWU.

- 2.1 Explain what steps Naren's union must take to requires organizational rights for Stetson Steel Structures and how should the company respond? **[4]**
- 2.2 What are the minimum organizational rights that Naren's union can ask for? **[4]**
- 2.3 What are additional organizational right could Naren's union ask for, if it were the majority union? **[4]**
- 2.4 If Stetson Steel Structures does not reply to Naren's request. What should he do to remedy the situation? Explain. **[2]**

QUESTION 3**[16 MARKS]**

There was a strike at the University where your father works. The parties failed to reach a wage agreement as the employer was unable to meet high demands by the university employees. The union terminated negotiations at the conciliation stage and rejected the employer's offer to refer the matter for arbitration. The employees started to strike without notice having been given to the employer. The strike happened at a critical examination period, these have caused a lot of tension. Some employees damaged the administration building and burn tyres on the campus. The employer made attempts to contact the union but when it succeeded the union official refused to intervene. Two hours after the commencement of the strike, the strikers were dismissed. In the course of the day, the dismissed strikers jeeringly rejected numerous offers. They also scoffed at suggestions that they should attend disciplinary hearing to consider their conduct. Throughout the day the employer was willing to reinstate

them. The next day the union demanded that all the dismissed strikers be reinstated unconditionally. The employer refused the call by the union but said that all employees who applied would be re-employed. Those who availed themselves of this offer were in fact re-employed. Those who declined the offer took the employer to Labour Court. At the same time the employer instituted an action in the Labour Court against the trade union claiming compensation for the loss suffered by the employer due to the action of the strikers.

- 3.1 Explain whether the strike is protected? **[2]**
- 3.2 The employer have dismissed striking employees, is this permissible? Substantiate your answer. **[4]**
- 3.3 The dismissed employees waived their right to a disciplinary hearings as required by law. Quote a sentence from the case study that suggests this. **[2]**
- 3.4 Explain whether the dismissal of the strikers would be regarded as fair in terms of the Labour Relations Act. What other options available to the employer? **[4]**
- 3.5 Will the employer be successful in his claim for damages at the Labour Court? Discuss factors that the Labour Court considers before granting compensation to any employer who suffers losses as a result of unprotected action by employees. **[4]**

QUESTION 4

[10 MARKS]

- 4.1 Employee participation is a process that allows employees to take part in organisational decisions and gain a voice in the workplace. Explain three types of direct employee participation. **[6]**
- 4.2 Increasing employee participation is a big challenge faced many managers and employment relation professionals. To empower employees, management must transfer some decision-making authority, this shows employees that management has faith in them. Participation may be encouraged through a variety of means; the result is greater employee involvement in certain aspects of your business and greater organizational efficiency. Discuss four objectives of employee participation. **[4]**

QUESTION 5

[12 MARKS]

- 5.1 Negotiations are an important aspect of South African labour law and allows employees to bargain freely with their employer. Examine two traditional methods of bargaining. **[4]**
- 5.2 In order to negotiate effectively, it is imperative for a negotiator to carefully consider the negotiation process. Illustrate the negotiation process and provide examples for each step. **[8]**

QUESTION 6

[12 MARKS]

- 6.1 Contrast between a dispute of right and dispute of interest and substantiate your answer with practical examples. **[4]**
- 6.2 The Labour Relations Act makes provision for the referral of most disputes to the CCMA in order to attempt first to resolve the dispute through conciliation. Explain the functions of CCMA in dispute resolution. **[4]**
- 6.3 If the matter has not been resolved at CCMA, Labour Relations Act also makes provision for the referral of specific disputes to the Labour Court. Outline disputes that can be referred to the Labour Court. **[4]**

QUESTION 7

[17 MARKS]

- 7.1 Discuss the requirements of a valid contract. **[4]**
- 7.2 What remedies available in law where a contract has been breached. **[5]**
- 7.3 There are multiple variations in practice to determine whether a person is an “employee” or “independent contractor. Discuss four tests that can be used to evaluate the correct status of a person working for another person. **[8]**

QUESTION 8

[17 MARKS]

- 8.1 Explain the levels of collective bargaining commonly found in the workplace, and provide an example of each. **[8]**
- 8.2 Describe certain conditions that needs to be met before a bargaining council is registered. **[4]**
- 8.3 Outline at least five matters that can be included in bargaining council agreements. **[5]**

TOTAL MARKS: 100